



PUBLIC NOTICE

Federal Communications Commission
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DA 07-5023

Released: December 17, 2007

COMMENTS INVITED ON APPLICATION OF QWEST CORPORATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 07-289
Comp. Pol. File No. 848

Comments Due: January 16, 2008

Section 214 Application **Applicant: Qwest Corporation**

On November 16, 2007, Qwest Corporation (Qwest or Applicant), located at 1801 California Street, Denver, CO 80202, filed an application with the Federal Communications Commission (Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of certain domestic telecommunications services to customers in a portion of Iowa. By an amendment filed December 14, 2007, Qwest corrected certain deficiencies in its initial application and updated the record regarding notice to customers.¹ Accordingly, Qwest's application is deemed complete as of December 14, 2007.

Qwest indicates that it offers local service, associated features and packages, interconnection and switched access services, as appropriate, to retail and wholesale customers in Iowa. Qwest asserts, however, that the Iowa Department of Commerce Utilities Board approved an exchange boundary change requested by Qwest and Iowa Telecom Services (Iowa Telecom) in Order No. TF-07-165, issued on October 15, 2007. Qwest indicates that, with this change, a portion of Qwest's Ankeny, Iowa exchange will be transferred to the Iowa Telecom Elkhart exchange, and Iowa Telecom will become the incumbent in this area. Qwest states that it plans to cease offering its retail and wholesale provision of local service, associated features and packages, interconnection and switched access services in this portion of its Ankeny, Iowa exchange on February 15, 2008. Specifically, Qwest states that it seeks to discontinue serving the area it describes as the W1/2SW1/4 Section 5; that portion of the S1/2 Section 6 lying east of Interstate 35; that portion of the N1/2N1/2N1/2 Section 7 lying east of Interstate 35; and the N1/2NW1/4NW1/4 Section 8; all in Township 80N, Range 23W. Qwest indicates, however, that Qwest and Iowa Telecom have agreed that existing Qwest customers in the Ankeny, Iowa exchange will be grandfathered such that they will have the option of selecting Iowa Telecom as their provider, choosing

¹ This amendment was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on December 17, 2007.

an alternate provider, or continuing to receive service from Qwest until such time that they choose to disconnect their service. Qwest represents that it is a dominant carrier in Iowa.

Qwest asserts that it mailed letters to affected retail customers to inform them of the proposed discontinuance on November 5, 2007, and that it subsequently mailed notice in compliance with section 63.71(a) of the Commission's rules on December 14, 2007. In addition, Qwest states that it notified its wholesale customers by postal mail and/or e-mail in accordance with its normal process for sending notification to wholesale customers. Qwest represents that it used this process to send notice to affected wholesale customers on November 15, 2007. Qwest explains that when wholesale customers sign interconnection agreements with Qwest, they provide their e-mail address, are made aware that notices are provided via e-mail, and are informed of Qwest's online subscription tool. Qwest maintains that customers can use the subscription tool to submit names and contact information for individuals to receive notices, and to specify their preference for receiving notice by postal mail or by e-mail. Furthermore, Qwest maintains that if it does not have an e-mail address for a contact person, it will assume that the individual would prefer to receive postal mail. Qwest indicates that its wholesale group has used this notification process for over seven years to communicate official notification to wholesale customers on a variety of subjects including product promotions, deployment of new products, modifications and price changes to existing products, cancellation or retirement of existing products, and operational issues. Qwest asserts that wholesale customers expect to receive product discontinuance notices via this process, and that it has found the process to be the most effective and efficient method of communicating with its wholesale customers.

We seek comment on Qwest's proposed discontinuance of service, including the steps it has taken to notify customers, given the particular circumstances in this case and in light of the notification procedures prescribed in section 63.71(a) of the Commission's rules. In accordance with section 63.71(c) of the Commission's rules, Qwest's application will be deemed to be automatically granted on the sixtieth (60th) day after the release date of this public notice, unless the Commission notifies Qwest that the grant will not be automatically effective. In Qwest's application, Qwest indicates that it plans to discontinue the affected service on February 15, 2008, or as soon thereafter as Qwest receives all necessary regulatory approvals. Accordingly, pursuant to section 63.71(c) and the terms of Qwest's application, absent further Commission action, Qwest may terminate service on **February 15, 2008**. The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **January 16, 2008**. Such comments should refer to **WC Docket No. 07-289 and Comp. Pol. File No. 848**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic

comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C327, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the Commission at (202) 418-1413, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), rodney.mcdonald@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

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